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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/634,097 | 08/04/2003 | Richard C. Breeze | RB-1-gw | 5871 |
| 7590 | 10/17/2005 | | EXAMINER | |
| Michael I. Kroll 171 Stillwell Lane Syosset, NY 11791 | | | STINSON, FRANKIE L | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1746 | |

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/634,097

Applicant(s)

BREEZE

Examiner

FRANKIE L. STINSON

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/4/2003.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

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1. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 1, line 1, the phrase "the undercarriage" is without proper antecedent basis.

This is also applicable to the phrase "the wheel wells" in claim 2, line 2.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blosser (U. S. Pat. No. 3,795,254) in view of either Chandler (U. S. Pat. No. 4,889,147) or UK'879 (United Kingdom 2,377,879).

Re claim 1 and 5, Blosser is cited disclosing an apparatus for flushing the undercarriage of a vehicle comprising a water source, water supply hose, a plurality of conduits have a plurality of orifices and unions, a pair of outside conduits, a cross-connector, manifold and at least one center conduit that differs from the claims only in the recitation of the apparatus being portable, the pump and the pair of ramps. Chandler and UK'879 are each cited disclosing flushing devices where the same are portable (see abstract in Chandler and the same in UK'897, where there is disclose the apparatus is "independent of electricity and water"). It therefor would have been obvious to one having ordinary skill in the art to modify the apparatus of Blosser, to be portable as taught by either Chandler or Blosser, for the purpose of allowing for undercarriage

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flushing at any desired location. Note also that UK'879 discloses the pump while Chandler discloses the pair of ramps, with respect to claim 6. Re claims 2-4, Chandler discloses the riser (21). Re claim 7, Blosser discloses the fan spray.

4. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claim 1 above, and further in view of Pulliam (U. S. Pat. No. 3,698,029).

Claim 8 defines over the applied prior art only in the recitation of the water and pump being disposed on a separate vehicle. Pulliam is cited disclosing the concept of providing a portable vehicle flushing apparatus for washing a vehicle where all of the associated equipment is disposed on a separate vehicle. It therefore would have been obvious to one having ordinary skill in the art to modify the device of Blosser, to have the equipment vehicle mounted, as taught by Pulliam, for the purpose of easily transporting the equipment from site to site. Re claim 9, Chandler discloses the detergent (col. 4, lines 37-42). To provide other additives is deemed to be an obvious extension of the teachings of the applied prior art, with respect to claim 10.

5. Claims 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claim 1 and 10 above, and further in view of either Rasmussen et al. (U. Pat. No. 5,597,001) or Price (U. S. Pat. No. 6,648,008).

Claims 11 and 12 define over the applied prior art only in the recitation of the containment vessel and sump pump. Price and Rasmussen disclose the claimed subject matter. It therefore would have been obvious to one having ordinary skill in the art to modify the device of Blosser, to include a containment vessel as taught by either

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Price or, Rasmussen, for the purpose of collecting and reusing the soiled wash water.

Re claim 13-16, Rasmussen discloses the pump and filter. To employ one type of filter over another has been deemed to be an obvious matter of design in that it is old and well known to use various types filter for recycling wash water.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Japan'854, Chan et al., Japan'917, Wiley, Moore, Avril, Abraham, Lawrence, Decker, Merritts, Bakas, Japan'773, Germany'409, France'041, Weikmann, France'114, Belanger et al., France'487, Japan'853, Coley and Germany;'959 note the undercarriage flushing means.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (571) 272-1308. The examiner can normally be reached on M-F from 5:30 am to 2:00 pm and some Saturdays from approximately 5:30 am to 11:30 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr, can be reached on (571) 272-1700. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fls



FRANKIE L. STINSON
Primary Examiner
GROUP ART UNIT 1746